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FILED

AUG 12 1994

HOWARD HANSON
MARIN COUNTY CLERK
by P. Fan, Deputy

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AUG 12 1994

HUB LAW OFFICES

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF MARIN

10 CHURCH OF SCIENTOLOGY INTERNATIONAL,) No. 157 680
11 a California not-for-profit)
12 religious corporation,)
13 Plaintiff,)
14 vs.)
15 GERALD ARMSTRONG; MICHAEL WALTON;)
16 THE GERALD ARMSTRONG CORPORATION)
17 a California for-profit)
18 corporation; DOES 1 through 100,)
19 inclusive,)
20 Defendants.)
21)
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NOTICE OF MOTION AND
MOTION FOR SUMMARY
JUDGMENT, OR, IN THE
ALTERNATIVE, FOR SUMMARY
ADJUDICATION OF ISSUES;
SEPARATE STATEMENTS IN
SUPPORT THEREOF; POINTS
AND AUTHORITIES IN SUPPORT
THEREOF; EVIDENCE IN
SUPPORT THEREOF; REQUEST
FOR JUDICIAL NOTICE
Date: September 9, 1994
Time: 9:00 a.m.
Dept: One
Trial Date: 9/29/94

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on September 9, 1994, at 9:00 a.m.,
or as soon thereafter as the matter may be heard in Department One
of the above-entitled Court located at the Hall of Justice, Civic
Center, San rafael, California, defendant Gerald Armstrong will
move this Court as follows:

1. For summary judgment in favor of Gerald Armstrong
against plaintiff Church of Scientology International and for
costs of suit and such other relief as may be just; or
2. Alternatively, if for any reason summary judgment cannot

1 be had, for an order adjudicating the following issues:

2 ISSUE NO. 1: In its first, second and third causes of action
3 for fraudulent conveyance and conspiracy to engage in the same,
4 Scientology is unable to prove the element that when Armstrong
5 divested himself of his assets he was rendered insolvent.

6 ISSUE NO. 2: Scientology is unable to prove the first,
7 second and third causes of action because it is constitutionally
8 prohibited from litigating the truth or validity of Armstrong's
9 protected religious belief that God directed him to divest himself
10 of his material possessions.

11 ISSUE NO. 3: Scientology cannot overcome Armstrong's first
12 affirmative defense based on the religious liberty clauses of the
13 state and federal constitutions.

14 Said motion will be made on the ground that there are no
15 triable issue of fact as to the summary judgment or the summary
16 adjudication as a matter of law. The motion will be based upon
17 this notice, and the separate statements of undisputed facts, the
18 declaration of Gerald Armstrong, the request for judicial notice,
19 the memorandum of points and authorities, all of which are served
20 and filed herewith and on any reply and/or supplemental material
21 and on the court's records and files in this case.

22 DATED: August 12, 1994

HUB LAW OFFICES

23
24 BY: 

FORD GREENE
Attorney for Defendant
GERALD ARMSTRONG

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PROOF OF SERVICE

I am employed in the County of Marin, State of California. I am over the age of eighteen years and am not a party to the above entitled action. My business address is 711 Sir Francis Drake Boulevard, San Anselmo, California. I served the following

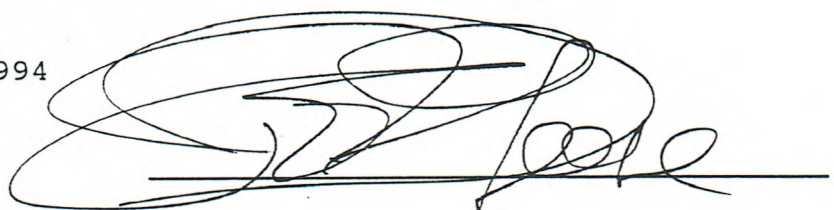
documents: NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT, OR, IN THE ALTERNATIVE, FOR SUMMARY ADJUDICATION OF ISSUES, SEPARATE STATEMENTS IN SUPPORT THEREOF, DECLARATION OF GERALD ARMSTRONG IN SUPPORT THEREOF, REQUEST FOR JUDICIAL NOTICE IN SUPPORT THEREOF

on the following person(s) on the date set forth below, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid to be placed in the United States Mail at San Anselmo, California:

LAURIE J. BARTILSON, ESQ.
Bowles & Moxon
6255 Sunset Boulevard, Suite 2000
Los Angeles, California 90028

- (By Mail) I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail at San Anselmo, California.
- (Personal) I caused said papers to be personally service on the office of opposing counsel.
- (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

DATED: August 12, 1994



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documents: NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT, OR, IN THE ALTERNATIVE, FOR SUMMARY ADJUDICATION OF ISSUES, SEPARATE STATEMENTS IN SUPPORT THEREOF, DECLARATION OF GERALD ARMSTRONG IN SUPPORT THEREOF, REQUEST FOR JUDICIAL NOTICE IN SUPPORT THEREOF

on the following person(s) on the date set forth below, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid to be placed in the United States Mail at San Anselmo, California:

Andrew Wilson, Esquire
WILSON, RYAN & CAMPILONGO
235 Montgomery Street, Suite 450
San Francisco, California 94104

MICHAEL WALTON, ESQ.
707 Fawn Drive
San Anselmo, CA 94960

- (By Mail) I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail at San Anselmo, California.
- (Personal) I caused said papers to be personally service on the office of opposing counsel.
- (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

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